Eight Mile Style, LLC et al v. Apple Computer, Incorporated
Doc. 45 Att. 3

EXHIBIT 2

Scheduling order for liability phase of discovery in *Fharmacy Records v. Simmons*, No. 05-72126, Docket No. 70 (E.D. Mich. Mar. 3, 2006)

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IT IS THE RESPONSIBILITY OF COUNSEL TO READ THE ENTIRE ORDER

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Fharmacy Records, et al,

Plaintiff(s),

vs

Earl "DMX" Simmons, et al

Defendant(s).
______________________________/

Case No: 05-72126
Honorable Victoria A. Roberts

SCHEDULING ORDER (PHASE I)

PLEASE DOCKET IMMEDIATELY;
NO FURTHER NOTICE OF THESE DATES WILL BE SENT

1. Exchange of Initial Disclosures under FRCP 26(a)(1): 3/10/06.

2. Deadline to Amend: n/a.

3. Deadline for identification of all Fact and Liability witnesses: 5/1/06.

4. Plaintiff's Liability Expert Reports must be filed by: 5/15/06. (Expert disclosure must be accompanied by a written report of the expert, as required by FRCP 26(a)(2), unless the parties stipulate otherwise.) Please note that expert opinions cannot change between the date for close of discovery and date trial is to begin.

5. Discovery Motions **must be filed by**: 5/23/06.

6. Defendants' Liability Expert Reports must be filed by: 6/5/06. (Expert disclosure must be accompanied by a written report of the expert, as required by FRCP 26(a)(2), unless the parties stipulate otherwise.) Please note that expert opinions cannot change between the date for close of discovery and date trial is to begin.

7. Deadline for **completing liability discovery**: 6/23/06.

8. Defendants' Motion for Summary Judgment on liability only, due: 7/21/06.

9. Plaintiff's Response to Motion for Summary Judgment due: 8/14/06.

10. Defendants' Reply Brief due: 8/28/06.

11. Hearing on Motion for Summary Judgment: To be set, if necessary.

All briefs shall comply strictly with LR 7.1 (Statement of Issues, Statement of Controlling/Most Appropriate Authority), and, in addition, must contain a Table of Contents, an Index of Authorities and an Index of Exhibits. The Exhibits must be tabbed. Furthermore, the format requirements as set forth in LR 5.1 must be strictly adhered to. **Relevant passages of exhibits must be highlighted on the Judge's copy**. Unless specifically addressed by the Court, the local court rules apply for filing responses and replies to motions.

Motion hearings: Pursuant to L.R. 7.1(e)(2), the Court will decide motions on the briefs filed, **UNLESS** the Court issues a Notice of Motion Hearing.

When filing motions for summary judgment, parties shall proceed in accordance with the following:

A. Before filing a motion for summary judgment or responding to such a motion, the parties are urged to familiarize themselves with Celotex Corp.v Catrett, 477 U.S. 317 (1986), Anderson v Liberty Lobby, Inc. 477 U.S. 242 (1986) and Matsushita Electric Industrial Co. Ltd. v Zenith Radio Corp. 475 U.S. 574 (1986). An excellent summary of these cases appears in Street v J.C. Bradford & Co., 886 F.2d 1472 (6th Cir. 1989). See also Schwarzer, Summary Judgment under the Federal Rules: Defining Genuine Issues of Material Fact, 99 F.R.D. 465 (1984).

B. Facts stated in the statement of material facts must be supported with citations to either the pleadings, interrogatories, admissions, depositions, affidavits or documentary exhibits. The text of any source cited should be filed with the Court as an appendix. The appendix shall contain an index and shall be tabbed.

C. Counsel are discouraged from employing elaborate boilerplate recitations of the summary judgment standard or lengthy string citations in support of well established legal principles. Instead, counsel should focus their analysis on a few well chosen cases, preferably recent and from controlling courts. Counsel are encouraged to supply the court with copies of their main cases. **Relevant passages must be highlighted.** Where unpublished opinions or opinions published only in a specialty reporter are cited, copies of the case **must** be submitted along with the brief.

D. The Court cautions the parties that it is not the Court's function to "figure out" what evidence they rely upon in support of claims or defenses. It is incumbent upon the parties to make substantive arguments, with specific references to the record, in support of **each** claim or defense asserted.

PLEASE NOTE THE FOLLOWING:

1. The parties **may not stipulate** to extend any dates if it impacts the settlement conference date set by the Court.

2. **Briefing Schedule**: Unless specifically addressed in this Order, the local court rules apply for filing responses and replies to motions.

3. **All briefs** shall comply strictly with LR 7.1 (Statement of Issues, Statement of Controlling/Most Appropriate Authority), and, in addition, must contain a Table of Contents, an Index of Authorities and an Index of Exhibits. The Exhibits must be tabbed. **Counsel are to highlight relevant portions of cases and/or exhibits to which the Court's attention should be directed.** Furthermore, the format requirements as set forth in LR 5.1 must be strictly adhered to.

4. **Motion hearings**: Pursuant to L.R. 7.1(e)(2), the Court will decide motions on the briefs filed, **UNLESS** the Court issues a Notice of Motion Hearing.

5. Counsel are advised to **bring their calendars** to the Settlement Conference because if the case fails to settle, the Court will set other dates, through trial, at that time.

6. **No dispositive motions** are allowed prior to the conclusion of the Settlement Conference.

THE ABOVE CONSTITUTES AN ORDER OF THIS COURT.

Dated: 3/3/06

/s/ Victoria A. Roberts
Honorable Victoria A. Roberts
United States District Court

(Revised 10/18/05)